

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34741 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

LAXMI PRASAD S/o Late Sugrim Prasad Resident of Village- Jagdishpur,
P.S.- Jamo Bazar, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mohammadpur P.S. Case No. 44 of 2022 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 50 litres raw material from the motorcycle in question.
Petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.03.2022. Petitioner bears two
criminal antecedent out of which one is of similar nature.



Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the recovered raw spirit. The petitioner is a respectable person of society but due to village politics and political rivalry he was falsely implicated in another two cases.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Court No. 1, Gopalganj in connection with Mohammadpur P.S. Case No. 44 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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